UNITED STATES OF AMERICA, Plaintiff-Appellee, v. WILLIAM L. SCHOLL, Defendant-Appellant. UNITED STATES OF AMERICA, Plaintiff-Appellant, v. WILLIAM L. SCHOLL, Defendant-Appellee.

No. 97-10143, No. 97-10248
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
1999 U.S. App. LEXIS 4245

March 17, 1999, Filed

DISPOSITION: [*1] Petition for rehearing DENIED and suggestion for rehearing en banc REJECTED.

JUDGES: Before: Robert R. Beezer, Cynthia Holcomb Hall and Pamela Ann Rymer, Circuit Judges.

OPINION: ORDER

The opinion filed January 27, 1999 is amended as follows:

Slip opinion at 763, lines 4-6 replace, "To warrant reversal . . . public reputation of judicial proceedings,' " with, "In *United States v. Knapp*, as here, where the defendant failed to object to the materiality error, "to warrant reversal in a case where a *Gaudin*-type error is made, the error must 'seriously affect the fairness, integrity or public reputation of judicial proceedings.' " "

With this amendment, the panel has voted to deny the petition for rehearing. Judge Rymer votes to reject the suggestion for rehearing en banc, and Judges Beezer and Hall so recommend.

The full court has been advised of the suggestion for en banc rehearing, and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed. R. App. P. 35(b).

The petition for rehearing is DENIED and the suggestion for rehearing en banc is REJECTED.